

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,170

IN THE MATTER OF:

Served February 26, 2008

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| LEE COACHES, INC., Suspension and |) | Case No. MP-2007-224 |
| Investigation of Revocation of |) | |
| Certificate No. 137 |) | |

This matter is before the Commission on respondent's response to Order No. 11,041, served December 27, 2007, revoking Certificate No. 137 pursuant to Article XI, Section 10(c), of the Compact.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 required respondent to insure the revenue vehicles operated under Certificate No. 137 for a minimum of \$5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 137 was rendered invalid on October 31, 2007, when the \$2 million primary and \$3 million excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 10,874, served October 31, 2007, gave respondent thirty days to replace the expired endorsements and pay the \$50 late fee imposed by Regulation No. 67-03(c) or face revocation of Certificate No. 137. Two months later, having received the late fee but not the necessary endorsement(s), the Commission revoked Certificate No. 137 in Order No. 11,041 for respondent's willful failure to comply with Regulation No. 58. Respondent subsequently filed the necessary insurance endorsement(s) and a request for reinstatement of Certificate No. 137.

Title II of the Compact, Article XIII, Section 4(a), provides that: "A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration."

When seeking reconsideration of a revocation for failure to comply with Regulation No. 58, a carrier must file both the application and the necessary endorsement(s) within the 30-day statutory filing period.² Because respondent's 30th day, January 26,

¹ Compact, tit. II, art. XIII, § 7(g).

² In re David C. Pearson, t/a E & H Transp. Co., MP-06-021, Order No. 9810 (Aug. 8, 2006).

fell on a Saturday, respondent had until Monday January 28 under Rule No. 7-01 to file an acceptable application and acceptable endorsements. Respondent's replacement endorsements were timely filed as of January 22, but the request to reinstate Certificate No. 137 was not filed until January 29. Consequently, respondent's request is untimely.³

THEREFORE, IT IS ORDERED: That the application for reconsideration is denied without prejudice to respondent's right to reapply for operating authority at a later date.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Diamond Tours, Inc.*, No. MP-82-06, Order No. 2347 at 4 (June 24, 1982) (insurance certificate not an adequate substitute for reconsideration application).